

REMARKS:

Claims 1-10 have been cancelled. Claim 15 has been amended to correct a typographical error. Applicant reserves the right to pursue the original claims and other claims in this application and other applications. Claims 11-24 are pending in this application.

Claims 1 and 6-10 stand rejected under 35 U.S.C. §102(e) as being clearly anticipated by Stradely et al. (US 2003/0119175). Claims 1 and 6-10 have been cancelled.

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Felice et al. (US 2003/0136179). Claims 1-10 have been cancelled. Reconsideration with respect to claims 11-24 is respectfully requested.

In rejecting the claims with respect to US 2003/0136179 (hereinafter Felice et al.), the Office Action states, "Paragraph [0006] teaches the mail within the container is agitated and releases a plume of particulate that are within the individual pieces. The Office read agitating as meaning to move with sudden force, which has the effect of taking the article from a state of rest to a state of motion and then deceleration to a state of rest again. The taught agitation has been read on the claimed deceleration of the mail tray to release the particles within the mail. The claimed stop member has been read on the walls of the container (12) or the other articles of mail within the container where the agitation occurs that releases the particulate contents." (Office Action, pages 2-3).

Felice et al. was filed on December 9, 2002, and claims priority to provisional application No. 60/340,118 (hereinafter provisional application), filed on Dec. 10, 2001. In order for subject matter that is disclosed in Felice et al. to be accorded the earlier filing date of the provisional application to which benefit is claimed, the provisional application must properly support the subject matter. If the provisional application does not properly support the subject matter, then the unsupported subject matter is accorded the filing date of Felice et al. (Dec. 9, 2002).

The present application was filed on December 18, 2001, which is before the filing date of Felice et al. Thus, any subject matter disclosed in Felice et al. that is not properly supported by the provisional application is not prior art with respect to the present application.

Applicants respectfully submit that the subject matter used by the Office Action to make the rejection is not properly supported by the provisional application, and therefore is not prior art with respect to the present application. As noted above, the subject matter relied upon by the Office Action in making the rejection is the agitation described in paragraph [0006] of Felice et al. The provisional application does not have any subject matter that corresponds to paragraph [0006] of Felice et al., nor is there any disclosure, teaching, suggestion or even mention of agitation anywhere in the provisional application. A complete copy of the file wrapper for the provisional application (60/340,118) is attached for the Examiner's convenience.

Accordingly, Applicants respectfully submit that the rejection of claims 11-24 is improper and the rejection should be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance and favorable action thereon is requested.

Respectfully submitted



Brian A. Lemm
Reg. No. 43,748
Attorney for Applicants
Telephone No.: (203) 924-3836

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000

Attachment: Copy of File Wrapper for 60/340,118



60/340118



12/10/01	Class	Subclass
ISSUE CLASSIFICATION		

PROVISIONAL
APPLICATION
NUMBER

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POSITION	INITIALS	ID NO.	DATE
FEE DETERMINATION			
O.I.P.E. CLASSIFIER			
FORMALITY REVIEW	<i>E</i>	<i>972</i>	<i>08/02/02</i>
RESPONSE FORMALITY REVIEW			

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PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 7573

SERIAL NUMBER 60/340,118	FILING DATE 12/10/2001 RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO. 12078-159	
APPLICANTS Robert J. Felice, Endicott, NY; Patrick J. Fitzgibbons, Owego, NY; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS *****					
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged _____ Examiner's Signature Initials		STATE OR COUNTRY NY	SHEETS DRAWING 1	TOTAL CLAIMS	INDEPENDENT CLAIMS
ADDRESS 26488					
TITLE Mail tub with vacuum ports					
FILING FEE RECEIVED 160	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

ABSTRACT OF THE DISCLOSURE

- 13 A vacuum mail tub being in the form of a substantially rigid container and a lid. The container including a vacuum port and an air vent for sampling air in the vacuum mail tub for possible biological contamination, such as anthrax. The container further including raised standoffs along the bottom of the container and channels along the walls to facilitate airflow efficiency through the vacuum mail tub when the lid is attached and a vacuum source is applied to the vacuum port. Air samples of the sealed container air are collected for contamination analysis.

12078-158-ProvApp-121001.doc

60340118.121001

EXPRESS MAIL LABEL NO. EL653521185US DATE OF DEPOSIT: 12/10/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PROVISIONAL APPLICATION

APPLICANTS: Robert J. Felice of Endicott, New York,
 a U.S. citizen; and

 Patrick J. Fitzgibbons of Owego, New York,
 a U.S. citizen.

INVENTION TITLE: MAIL TUB WITH VACUUM PORTS

ASSIGNEE:
Lockheed Martin
Corporation

ATTORNEYS:
Jerry Cohen (Reg. No. 20,522)
Harvey Kaye* (Reg. No. 18,978)
Stephen Y. Chow (Reg. No. 31,338)
Christine M. Kuta, (Reg. No. 38,001)
Jacob N. Erlich (Reg. No. 24,338)
Peter J. Borghetti (Reg. No. 42,345)
Leland D. Schultz (Reg. No. 30,322)
Perkins, Smith & Cohen, LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 854-4000

* Mr. Kaye is available at 301-948-5535

TO: BOX PROVISIONAL APPLICATION
 Commissioner for Patents
 Washington, DC 20231

Sir:

Your applicant(s), named above hereby request(s) acceptance
of the enclosed PROVISIONAL application entitled as stated above
pursuant to 35 U.S. C. 111(b).

50340118-121001

EXPRESS MAIL LABEL EL653521185US

DATE OF DESPOSIT 12/10/01

MAIL TUB WITH VACUUM PORTS

BACKGROUND OF THE INVENTION

- 1 This invention relates generally to the containment of hazardous material in an enclosure, and, more particularly to the containment within a mailbox or drop box of a biological agent or like disposed in a mail piece.
- 2 The recent incidents of anthrax laced letters being transported through the United States Postal Service (USPS) facilities to unsuspecting recipients has alarmed the nation and the world. Currently, the tainted letters are discovered after the recipient accepts delivery or by alert postal employees noticing white powder that could be anthrax on mail parcels, sorting and distribution equipment, or themselves. There appears to be no current security devices or procedures that are available to intercept such letters at the earliest source of introduction into the USPS system, for example at the mailbox or post office drop box. Also, there appears to be no known devices or procedures that safe guard against biological agents in forms other than a white powdery substance, such as anthrax.

SECRET - 121001

SUMMARY OF THE INVENTION

- 3 A vacuum mail tub being in the form of a substantially rigid container and a lid. The container including a vacuum port and an air vent for sampling air in the vacuum mail tub for possible biological contamination, such as anthrax. The container further including raised standoffs along the bottom of the container and

channels along the walls to facilitate airflow efficiency through the vacuum mail tub when the lid is attached and a vacuum source is applied to the vacuum port. Air samples of the sealed container air are collected for contamination analysis.

- 4 For a better understanding of the present invention, together with other and further objects thereof, reference is made to the accompanying drawings and detailed description.

BRIEF DESCRIPTION OF THE DRAWINGS

5 Figure is a partial sectional view of the present invention illustrating airflow intake and circulation within the present invention, and a schematic representation of the present invention cooperating with a vacuum/biosensor mechanism.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

6 Now referring to FIG. 1, a vacuum mail tub 10 of the present invention includes a substantially rigid container 12 and a lid 14. An vacuum port 16 and an air vent 18 is provided in container 12 for sampling air in the vacuum mail tub 10 for possible biological contamination, such as anthrax.

- 7 The container 12 includes a bottom wall 19, sidewalls 20a, end walls 20b, an open end 21 with a lip 22, and molded standoffs 23. The container 12 is a unitary molded structure made of any substantially rigid material, examples of which include plastic, rubber, and metal. Vertical channels 24 add strength to the container 10 and assure an unobstructed path for any contaminants

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to travel to the vacuum port 16 when a vacuum is applied. Additionally, the two opposing end walls 20b include handhold indentations 25 near the open end 21 to allow mail carriers to pick up the vacuum mail tub 10.

8 In preferred form, a lid 14 is provided which is suitably sized and contoured to snugly fit in the lip 22 of container 12. The lid 14 is preferably a unitary molded structure shaped as a rectangle made of any substantially rigid material, examples of which include plastic and rubber, which is of a sufficient width and length to extend longitudinally outward over the lip 22 of container 12. This allows lid 14 to form a substantially airtight seal with container 12.

9 The molded standoffs 23 prevent mail articles from resting directly on the bottom wall 19 of the container 12 and assures an unobstructed path for any contaminates to travel to the vacuum port 16 when a vacuum is applied. Additionally, the molded standoffs 23 add strength to the container 12.

10 The air vent 18 can be located anywhere on container 12, but is preferred on an end wall 20b near the top open end 21. Similarly, the vacuum port 16 can be located anywhere on container 10, but is preferred on the opposing end wall 20b of the air vent 18 and near the bottom wall 19 of the container 12. The preferred locations are advantageous because air is drawn from the top of the container 10 where high concentration airborne contaminants are likely. Additionally, contaminants that settle on the bottom 19 will also be drawn from the container 10 as air travels to the vacuum port positioned the bottom wall 19.

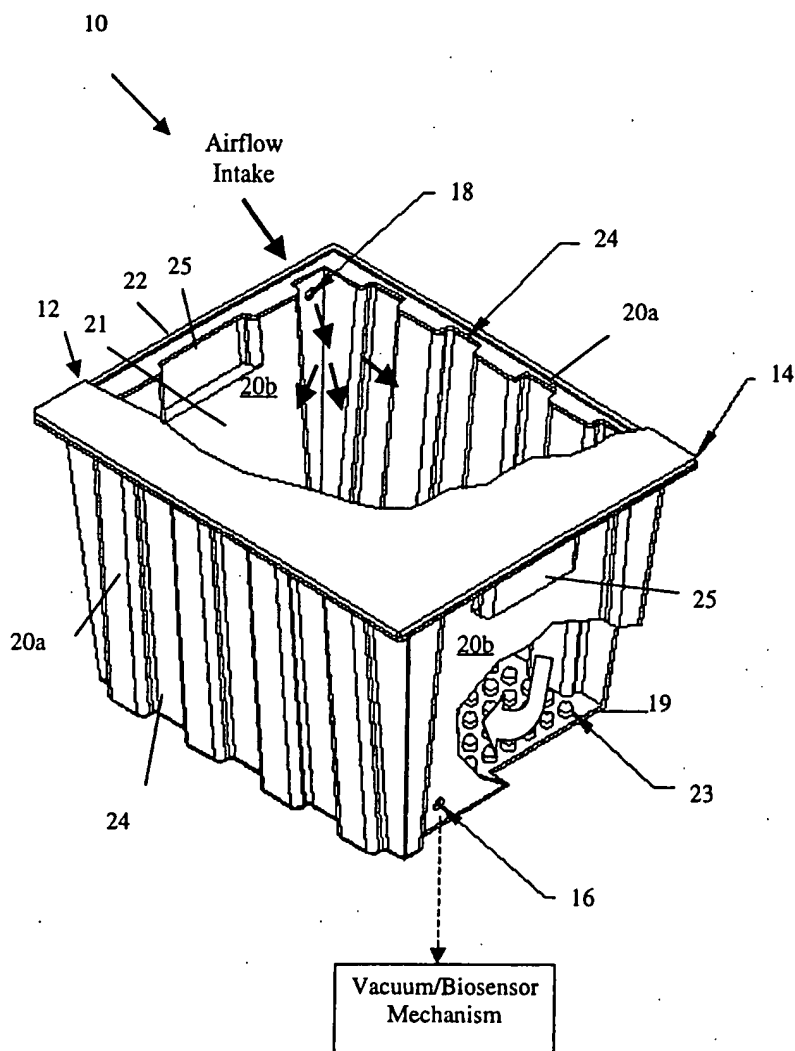
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11 Air passes from the outside environment into the vacuum mail tub 10 through air vent 18 into the vacuum mail tub 10. The air exits through the vacuum port 16 when a commercially available vacuum with a biological agent sensor attachment (not shown) is attached to vacuum port 16. The air samples from the vacuum mail tub 10 are analyzed to detect a biological agent or other contaminant. If such a contaminant is detected, the vacuum port 16 and the air vent 18 can be plugged with conventional plugs (not shown) to seal the contamination in the vacuum mail tub and transported to a decontamination center for further processing.

12 Although the invention has been described with respect to various embodiments, it should be realized this invention is also capable of a wide variety of further and other embodiments within the spirit and scope of the present invention.

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EXPRESS MAIL LABEL NO.: F53521185US

12/17/01 DATE OF DEPOSIT: December 10, 2001

12/10/01
JCS26 U.S. PTO

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PTO/SB/16 (8-00)

Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.63 (c).

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
Robert J.	Felice	Endicott, New York
Patrick J.	Fitzgibbons	Owego, New York
<input type="checkbox"/> Additional inventors are being named on the _____ separately numbered sheets attached hereto		
TITLE OF THE INVENTION (280 characters max)		
MAIL TUB WITH VACUUM PORTS		
CORRESPONDENCE ADDRESS		
Direct all correspondence to:		
<input checked="" type="checkbox"/> Customer Number	26486	Place Customer Number Bar Code Label here
AND Type Customer Number here		
<input checked="" type="checkbox"/> Firm or Individual Name	Leland D. Schultz (Reg. No. 30,322)	
Address		
Address		
City	State	ZIP
Country	Telephone	Fax
ENCLOSED APPLICATION PARTS (check all that apply)		
<input checked="" type="checkbox"/> Specification Number of Pages	5	<input type="checkbox"/> CD(s), Number
<input checked="" type="checkbox"/> Drawing(s) Number of Sheets	1	<input checked="" type="checkbox"/> Other (specify)
<input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76		Return receipt postcard.
METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT (check one)		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> A check or money order is enclosed to cover the filing fees		FILING FEE AMOUNT (\$) 160.00
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number: 50-0646		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes, the name of the U.S. Government agency and the Government contract number are: _____		

Respectfully submitted,
SIGNATURE

Date December 10, 2001

TYPED or PRINTED NAME

Peter J. Borghetti

REGISTRATION NO. 42,345
(if appropriate)

Docket Number: 12078-159

TELEPHONE 617-854-4000

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

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PTO/SB/17 (10-01)
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<h2 style="text-align: center;">FEE TRANSMITTAL for FY 2002</h2> <p style="text-align: center;"><i>Patent fees are subject to annual revision.</i></p>		<i>Complete if Known</i>	
		Application Number	N/A
		Filing Date	Herewith
		First Named Inventor	Robert J. Felice
		Examiner Name	N/A
		Group / Art Unit	N/A
TOTAL AMOUNT OF PAYMENT (\$)		160.00	Attorney Docket No. 12078-159

METHOD OF PAYMENT (check one) 1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 50-0846 Deposit Account Name: Lockheed Martin Corporation <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				FEE CALCULATION (continued)																																																																																																																																																																																	
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ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for re-examination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for re-examination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	640	Petition to revive - unintentional		142	1,280	242	640	Utility issue fee (or rehear)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		189	900	189	900	Request for expedited examination of a design application	
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SUBMITTED BY		Complete if applicable	
Name (Print/Type)	Peter J. Borghetti	Registration No. Attorney/Agent	42,345
Signature	<i>[Signature]</i>	Telephone	(617) 854-4000
		Date	December 10, 2001

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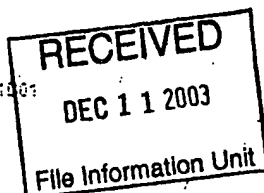
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